



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI
WRIT PETITION NO: 1866/2026**

Between:

1.NAS BABU CONSTRUCTIONS PRIVATE LTD, REP BY ITS
MANAGING DIRECTOR, N.V.V. NAGENDRAM, S/O.
VENKATESWARA RAO AGED ABOUT 55 YEARS, OCC
CONTRACTOR, R/O. H.NO. 10/150-A2, RAJENDRA NAGAR
GUDIVADA, KRISHNA DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF AP, REP BY ITS. PRINCIPAL SECRETARY TO
GOVERNMENT, IRRIGATION AND CAD WATER RESOURCES
DEPARTMENT, SECRETARIAT BUILDINGS, A.P. SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522237
- 2.THE STATE OF ANDHRA PRADESH, REP. BY IT'S PRINCIPAL
SECRETARY, FINANCE DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 3.THE SUPERINTENDNETING ENGINEER, IRRIGATION AND WATER
RESOURCES DEPARTMENT, IRRIGATION CIRCLE OFFICE,
VIJAYAWADA, N.T.R. DISTRICT.
- 4.THE EXECUTIVE ENGINEER, DRAINAGE DIVISION, GUDIVADA,
KRISHNA DISTRICT. 521301

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not refunding the deposit amount of Rs.13,67,692/- in respect of works i.e.

1) Agreement Nos. 1037/2016- 17, Dt17.01.2017, 2) 1038/2016-17, Dt17.01.2017, 3) 1039/2016-17, Dt17.01.2017, 4) 1040/2016-17, Dt17.01.2017, 5) 1041/2016-17, Dt 17.01.2017, 6) 1042/2016-17, Dt 17.01.2017, 7) 1043/2016-17, Dt 17.01.2017, 8) 1044/2016-17, Dt 17.01.2017, 9) 916/2016-17, Dt08.12.2016, 10) 917/2016-17, Dt08.12.2016, 11) 918/2016-17, Dt08.12.2016, 12) 919/2016-17, Dt08.12.2016, 13) 920/2016-17, Dt08.12.2016, 14) 995/2016-17, Dt05.01.2017, 15) 996/2016-17, Dt05.01.2017, 16) 997/2016-17, Dt05.01.2017, 17) 998/2016-17, Dt05.01.2017, 18) 999/2016-17, Dt05.01.2017, 19). 68/2023-24 dt. 13.10.2023, 20). 69/2023-24 dt. 13.10.2023 and 21). 70/2023-24 dt. 13.10.2023 for the works in Drainage Division, Gudivada, Krishna District Under Irrigation Department as per agreement to the petitioner till today and causing heavy loss with interest even though total works were completed as per the agreement as illegal, arbitrary and violation of Articles 14, 16 and 21 of the Constitution of India and consequentially to direct the respondents releasing the refunding the deposits (EMD AND FSD) amount of Rs.13,67,692/- to the petitioner with interest @12PERCENT per annum for the delayed amount to the petitioner in respect of execution of above mentioned works forthwith and to pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents releasing the refunding the deposits (EMD&FSD) amount of Rs.13,67,692/- to the petitioner for execution of completion of works as per agreements forthwith, pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.PAMARTHI KAMESWARA RAO

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR FINANCE PLANNING

The Court made the following :

Heard Sri P. Kameswara Rao, learned counsel for the petitioner and Sri K.Sambasiva Rao, learned Assistant Government Pleader for Irrigation and Command Area Development & Finance and Planning for the respondents.

2. The above writ petition was filed to declare the action of the respondents in not refunding an amount of Rs.13,67,692/- deposited in relation to the works executed in pursuance of agreement Nos.1037/ 2016-17, 1038/2016-17, 1039/2016-17, 1040/2016-17, 1041/2016-17, 1042/2016-17, 1043/2016-17, 1044/2016-17, 916/2016-17, 917/2016-17, 918/2016-17, 919/2016-17, 920/2016-17, 995/2016-17, 996/2016-17, 997/2016-17, 998/2016-17, 999/2016-17, 68/2023-24, 69/2023-24 and 70/2023-24, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that pursuant to the aforementioned agreements, the petitioner had executed the works, and thereafter the respondents had already paid the final bill, but failed to release the EMD and FSD amounts. The learned counsel for the petitioner undertakes to pay the deficit Court Fee within one week and file memo to that effect. The same is recorded.

4. Today, when the matter is taken up, Sri K.Sambasiva Rao, the learned Assistant Government Pleader for Irrigation and Finance & Planning Department, appearing for the respondents, produced the written instructions of respondent No.4, wherein it was stated that the amount in respect of works at serial Nos.19, 20 and 21 i.e. in respect of agreement Nos. 68/2023-24, 69/2023-24 and 70/2023-24, was paid and in respect of works from serial Nos.1 to 18 i.e. in respect of agreement Nos.1037/2016-17, 1038/2016-17, 1039/2016-17, 1040/2016-17, 1041/2016-17, 1042/2016-17, 1043/2016-17, 1044/2016-17, 916/2016-17, 917/2016-17, 918/2016-17, 919/2016-17,

920/2016-17, 995/2016-17, 996/2016-17, 997/2016-17, 998/2016-17, 999/2016-17, the bills will be uploaded shortly in NIDHI portal.

5. Learned counsel for the petitioner endorses the same.

6. Learned Assistant Government Pleader submitted that the petitioner is not entitled to interest. He placed reliance on the order, dated 11.02.2025, in W.A.No.60 of 2025 passed by the Division Bench of this Court.

7. Thus, as seen from the instructions of respondent No.4, there is no dispute regarding the execution of works and the petitioner's entitlement to the aforementioned amount. Since the amount payable is admitted and undisputed, the writ petition is maintainable. In ***M/s Utkal Highways Engineers and Contractors v. Chief General Manager & Ors***¹, it was held at Para No.8 as under:

“Be that as it may, the High court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence.”

8. Given the instructions of respondent No.4, the Writ Petition is disposed of, directing the respondents to release the deposit amount refundable to the petitioner in respect of agreement Nos.1037/2016-17, 1038/2016-17, 1039/2016-17, 1040/2016-17, 1041/2016-17, 1042/2016-17, 1043/2016-17, 1044/2016-17, 916/2016-17, 917/2016-17, 918/2016-17, 919/2016-17,

¹ 2025 SCC online SC 1400

920/2016-17, 995/2016-17, 996/2016-17, 997/2016-17, 998/2016-17, 999/2016-17, subject to deductions, if any, within two (02) months from the receipt of the copy of this order. Insofar as the interest component is concerned, the petitioner is at liberty to approach the civil court or appropriate forum, given the directions in W.A.No.60 of 2025. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 05.08.2026
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 1866 of 2026

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